

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MY HEALTH, INC.,

v.

ALERE, INC.

Case No. 2:14-cv-652-RWS-RSP
LEAD CASE

MY HEALTH, INC.,

Plaintiff,

v.

LIFESCAN, INC.,

Defendant.

Case No. 2:14-cv-683-RWS-RSP
CONSOLIDATED CASE

LIFESCAN, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY

On August 18, 2014, defendant LifeScan, Inc. (“LifeScan”) filed a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Case No. 2:14-cv-683-RWS-RSP, Dkt. No. 15). This Motion was fully briefed as of November 17, 2014.

LifeScan hereby provides notice of two recent decisions from federal district courts in Texas, one from this district: *Clear With Computers, LLC v. Volvo Constr. Equip. N. Am., LLC*, No. 6:14-cv-89-JRG (E.D. Tex. Mar. 3, 2015) (Dkt. No. 59), and *Morales v. Square, Inc.*, No. 5:13-cv-1092-DAE (W.D. Tex. Dec. 30, 2014) (Dkt. No. 31). In both cases, the district court granted a motion to dismiss an action for patent infringement under Fed. R. Civ. P. 12(b)(6) prior to claim construction and held that the asserted claims were invalid under 35 U.S.C. § 101 on the authority of *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347 (2014). The decisions are attached hereto as Exhibits A and B, respectively. The decisions in *Clear With*

Computers and *Morales* are relevant to issues that LifeScan addressed in its opening brief (Case No. 2:14-cv-683-RWS-RSP, Dkt. No. 15) at pages 7-8 and in its reply brief (Case No. 2:14-cv-683-RWS-RSP, Dkt. No. 27) at pages 1-4.

Dated: March 5, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 5, 2015.

/s/ Michael E. Jones